

REMARKS

1. Status of claims

Claims 35-43 are pending.

2. Support for amendment

The amendment to the claims finds support at p. 63, Table 7; p. 7, lines 6-9; and p. 8, line 14 to p. 9, line 21.

3. Information disclosure statement

Applicants thank the Examiner for pointing out failures of compliance of the information disclosure statement filed on April 22, 2004. Applicants enclose herewith an information disclosure statement with the intent of compliance.

4. Objections to the specification

First, the Examiner objected to the format of internet addresses cited in the specification. By the above amendment, the passages where internet addresses of the GenBank Sequence Database were cited have been amended to remove the internet addresses entirely from the specification, per the Examiner's suggestion. Applicants submit the basis for this objection has been removed.

Second, the Examiner objected to several passages as introducing new matter. Specifically, these passages had the phrasing "reporting a sequence [from a cited reference]." By the above amendment, these passages have been deleted. Applicants submit the basis for this objection has been removed.

5. *Claim rejections under 35 U.S.C. §112*

First, the Examiner rejected claims 35-43 under 35 U.S.C. §112, first paragraph, as containing new matter. Specifically, the claims are rejected for reciting lactic acid production with an upper limit of 1.0 g lactic acid per gram carbon source. By the above amendment, claim 35 and all claims dependent thereon recite an upper limit for lactic acid production of 0.881 g lactic acid per gram carbon source. Applicants submit the basis for this rejection of claims 35-43 has been removed.

Second, the Examiner rejected claims 35-43 under 35 U.S.C. §112, first paragraph, for lack of enablement of infinitely low pHs. By the above amendment, claim 35 and all claims dependent thereon recite an initial fermentation medium pH of at least 4.5. Applicants submit the basis for this rejection of claims 35-43 has been removed.

Third, the Examiner rejected claims 35-43 under 35 U.S.C. §112, first paragraph, for lack of enablement of methods using yeast having reduced pyruvate decarboxylase activity or pyruvate dehydrogenase activity produced by techniques other than deletion of an endogenous pyruvate decarboxylase gene or pyruvate dehydrogenase gene. By the above amendment, claim 35 and all claims dependent thereon recite methods using yeast having deletions of an endogenous pyruvate decarboxylase gene or pyruvate dehydrogenase gene. Applicants submit the basis for this rejection of claims 35-43 has been removed.

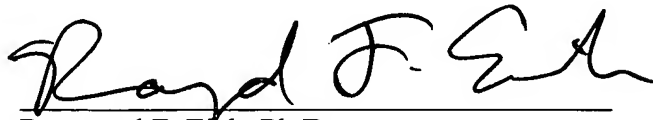
6. *Final remarks*

Applicants submit all pending claims 35-43 are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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